

SHB 2855 - S COMM AMD

By Committee on Law & Justice

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.44.180 and 2010 c 176 s 2 are each amended to
4 read as follows:

5 (1) Each agency involved in investigating child sexual abuse
6 shall document its role in handling cases and how it will coordinate
7 with other local agencies or systems and shall adopt a local protocol
8 based on the state guidelines. The department and local law
9 enforcement agencies may include other agencies and systems that are
10 involved with child sexual abuse victims in the multidisciplinary
11 coordination.

12 (2) Each county shall develop a written protocol for handling
13 criminal child sexual abuse investigations. The protocol shall
14 address the coordination of child sexual abuse investigations between
15 the prosecutor's office, law enforcement, children's protective
16 services, children's advocacy centers, where available, local
17 advocacy groups, community sexual assault programs, as defined in RCW
18 70.125.030, and any other local agency involved in the criminal
19 investigation of child sexual abuse, including those investigations
20 involving multiple victims and multiple offenders. The protocol shall
21 be developed by the prosecuting attorney with the assistance of the
22 agencies referenced in this subsection.

23 (3) (~~Local protocols under this section shall be adopted and in~~
24 ~~place by July 1, 2000, and shall be submitted to the legislature~~
25 ~~prior to that date.~~) Participants in the multidisciplinary
26 coordination described in this section are authorized to share
27 information about criminal child sexual abuse investigations and case
28 planning following such investigations with other participants in the
29 multidisciplinary coordination. Nothing in this section is intended
30 to permit, direct, or compel participants to share information if
31 sharing would constitute a violation of their professional ethical

1 obligations or disclose privileged communications as defined in RCW
2 5.60.060.

3 (4) The shared information retained in the multidisciplinary
4 team's records related to a criminal child sexual abuse investigation
5 must be destroyed five years after the conclusion of any appeal
6 related to criminal charges arising out of the investigation or until
7 the right to appeal the criminal charge expires, whichever is longer,
8 unless a different retention period is required by law.

9 (5) Participants in the multidisciplinary coordination described
10 in this section that share information about criminal child sexual
11 abuse investigations and case planning following such investigations
12 in good faith with other participants in the multidisciplinary
13 coordination described in this section shall be immune from any
14 liability arising out of such sharing of information under any law of
15 this state or its political subdivisions."

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16 On page 1, line 3 of the title, after "investigations;" strike
17 the remainder of the title and insert "and amending RCW 26.44.180."

EFFECT: (1) Clarifies that information sharing authorized in this provision does not override testimonial privileges, or confidentiality requirements of a participant's professional ethical obligations.

(2) Requires destruction of records containing information shared among MDT members related to the criminal investigation five years after any appeals-or appeal rights-end, whichever is longer, unless an existing law requires a different retention period.

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